

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UBIQUITOUS CONNECTIVITY, LP,
Plaintiff,
v.
CITY OF SAN ANTONIO, by and through
its agent, CITY PUBLIC SERVICE BOARD
OF SAN ANTONIO, d/b/a CPS ENERGY,
Defendant.

NO. 5:18-cv-00718-XR
(SA-18-CV-00718-XR)

Judge Xavier Rodriguez

UBIQUITOUS CONNECTIVITY, LP,
Plaintiff,
v.
CITY OF SAN ANTONIO, by and through
its agent, CITY PUBLIC SERVICE BOARD
OF SAN ANTONIO, d/b/a CPS ENERGY,
Defendant.

NO. 5:20-cv-00815-XR
(SA-20-CV-00815-XR)

Judge Xavier Rodriguez

OPPOSED MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

Pursuant to Local Rule AT-3, James F. McDonough III, Jonathan Miller, Travis Lynch, and Alexander Wyatt Wright (collectively “Counsel”) file this Motion to Withdraw as Counsel for Plaintiff UBIQUITOUS CONNECTIVITY, LP (“Plaintiff”). By this Motion, Counsel respectfully request the Court’s leave to withdraw as counsel of record for Plaintiff in the above-styled matters.

Counsel seeks leave to withdraw their representation of Plaintiff. Counsel submits that, pursuant to Tex. Disciplinary R. Prof. Conduct 1.15(b)(1), its withdrawal can be accomplished

without material adverse effect on the interests of the client. These cases are currently stayed¹ and it is likely that the stays will remain in place for some time during the pendency of the associated PTAB proceedings and associated appeals.² Counsel has provided notice to Plaintiff and all Defendants of their impending withdrawal, and Defendants have indicated they do not oppose. Counsel therefore moves for leave of court to withdraw and humbly submits that withdrawal of Counsel will not disrupt the prosecution of this case. *See Hernandez v. Siemens Corp.*, No. SA-16-CV-00539-RCL, 2017 U.S. Dist. LEXIS 194465, *8 (W.D. Tex. Nov. 27, 2017); *Broughten v. Voss*, 634 F.3d 680, 882-883 (5th Cir. 1981) (noting it is “incumbent on the court to assure that the prosecution of the lawsuit before it is not disrupted by the withdrawal of counsel”).

Pursuant to this Court’s Local Rules, the name, address, telephone number, and email address of Plaintiff’s President are below:

Charles Shamoon, President
Ubiquitous Connectivity LP
2436 Tisbury Way
Little Elm, Texas, 75068
Telephone: (214) 491-7247
Email: cshamoon777@gmail.com

Counsel has notified Plaintiff’s President of this motion and requested that he sign and approve this motion. Pursuant to Local Rule AT-3, Counsel has consulted extensively with Plaintiff’s President regarding the reasons for the requested withdrawal. Plaintiff’s President has refused to sign the Motion.

¹ See Orders dated October 11, 2019 (granting the Joint Motion to Stay - Dkt. No. 47 – No. 5:18-cv-00718) and January 20, 2021 (granting Joint Motion to Stay – Dkt. No. 21 – No. 5:20-cv-00815).

² See November 17, 2021 Status Reports: Dkt. No. 50 – No. 5:18-cv-00718 and Dkt. No. 24 – No. 5:20-cv-00815.

Dated: March 29, 2022

Respectfully submitted,

s/ James F. McDonough, III

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Attorneys for Plaintiff *UBIQUITOUS CONNECTIVITY, LP*

* admitted *Pro Hac Vice*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 2022, I caused to be electronically-filed the foregoing document with the Clerk of Court using its CM/ECF system, which caused it to be served by electronic mail on counsel who have appeared in this matter.

/s/ James F. McDonough, III
James F. McDonough, III